

**Terms and Conditions
For Receipt of
Substance Abuse Treatment and Testing Accountability Funds
Under Health and Safety Code Division 10.9 (commencing with Section 11999.20)**

Under the Substance Abuse Treatment and Testing Accountability (SATTA) Program established by SB 223, the Department of Alcohol and Drug Programs (ADP) is issuing implementation requirements to All County Lead Agencies (ACLA) designated under the Substance Abuse and Crime Prevention Act (SACPA) of 2000. These requirements relate to the use of drug testing and other elements of a county's SACPA implementation plan. The following terms and conditions apply to the receipt of funds under SATTA [Health and Safety Code (HSC) Division 10.9 commencing with Section 11999.20]:

A. Definitions and Guidelines

1. "Drug testing" typically means any procedure or protocol used to analyze body fluids or human tissue to determine whether a client is, or has recently been, using alcohol and/or other drugs. Drug testing methods may include, but not be limited to, a urine test, blood test, saliva test, and breath alcohol test.
2. Drug testing must be used as a treatment tool. Guidelines for such use include:
 - The results of drug testing shall be given no greater weight than other aspects of the client's individual treatment program.
 - Drug testing, where used, shall be conducted in conjunction with treatment to enhance the effectiveness of the client's treatment program and help the client achieve success.
 - The results of drug testing shall not be used as the basis for the imposition of new criminal charges.
 - A single drug test shall not be the sole basis for:
 - a) Determining unamenability to treatment, or
 - b) Revoking probation pursuant to Penal Code 1210.1(e)(3)(c).
 - Drug testing shall reflect the clinical needs of the client, based upon the individual's severity of abuse, progress in treatment and/or relapse potential, as determined by the counselor or counseling team.
 - Drug testing may be conducted on either a random basis or a regularly scheduled basis throughout the length of the program.

B. Revised County Plans

1. Counties are required to request SATTA funds by submitting a revised county SACPA plan using the Template for the Revised County Plan for Requesting SACPA Funds under the SATTA Program (Attachment C). Funds for which a revised county plan has not been submitted and approved by February 15, 2002, are subject to reallocation.
2. Using the Template, the County Lead Agency must describe the following program elements:
 - The assessment process that will be used to determine the placement for treatment of eligible clients, including the need for additional services that may improve the effectiveness of treatment;
 - The criteria used by the county, utilizing the tools available through contract enforcement, to monitor and enforce the quality of drug treatment and other services provided;
 - How drug testing will be used as a treatment tool; and
 - The county's treatment goals for eligible parolees and probationers, as well as the process the county will use to report on the number of eligible parolees and probationers provided drug treatment and other services as determined by their assessment.
3. The plan must additionally describe how the funds will be expended. Use of the SATTA Fiscal Plan included in the Template for the Revised County Plan is required.
4. The County Lead Agency must sign the template certifying that the county Board of Supervisors, or its designated delegated approval authority representative, approved the revised county plan (Section 9515, Title 9, CCR).
 - a) If the county Board of Supervisors has delegated approval authority to the County Lead Agency, a copy of the Board action must be submitted with the revised county plan.
 - b) If the county Board of Supervisors has not delegated approval authority to the County Lead Agency, a copy of the Board action approving the revised county plan must be submitted with the revised county plan. A sample Board of Supervisors resolution denoting approval of the revised county plan is attached (Attachment D).
5. The plan must be submitted to: Department of Alcohol and Drug Programs, Office of Criminal Justice Collaboration, 1700 K Street, #519-A, Sacramento, CA 95814.
6. ADP must receive the plan by 5:00 p.m., January 10, 2002.
7. If the County Lead Agency submits a revised county plan not in conformity with the requirements of SB 223, ADP will notify the county that additional information is needed for approval.

8. Within 15 working days of receipt of a revised county plan that conforms with the requirements of SB 223, ADP will notify the county that the revised plan has been approved.
9. If a revised county plan has not been submitted by the county and approved by ADP on or before February 15, 2002, the county's preliminary allocation shall be subject to forfeiture.
10. Updates to the plan are required whenever the county proposes to make a singular or cumulative shift of ten percent or more between types of services, for example, between drug testing and other purposes consistent with Federal law. (Section 9515, Title 9, CCR)

C. Allowable Costs and Payment of Funds

1. Costs incurred on or after October 11, 2001, the effective date of SB 223, are eligible for funding under HSC Division 10.9 (commencing with Section 11999.20). Funds may be used for drug testing. Federal law also provides that SAPT funds may be used for other activities related to preventing and treating substance abuse as authorized. Counties are encouraged to make drug testing a priority.
2. Expenditures of SAPT funds are subject to all applicable Federal statutes and regulations, including the restrictions stated in Code of Federal Regulations, Title 45, Section 96.135. Under that provision, funds must not be used to:
 - Provide inpatient hospital services, except as provided in Section 96.135(c).
 - Make cash payments to intended recipients of health services.
 - Purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment.
 - Satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.
 - Provide financial assistance to any entity other than a public or nonprofit private entity.
 - Provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs.
3. SAPT¹ funds must be expended by June 30, 2002. Any SAPT funds unexpended by June 30, 2002, must be repaid to the State.
4. SAPT funds must be spent in accordance with the approved county plan.
5. SAPT funds will be paid monthly in arrears.

¹ SAPT funds are appropriated from Federal Fiscal Year 2001, which are available only through the end of State Fiscal Year 2001-2002.

6. Funds received pursuant to SB 223 shall not be deposited in the county's SACPA trust fund established pursuant to Section 9517, Title 9, CCR. SB 223 funds must be able to be traced to ensure that they are expended in compliance with the terms and conditions under which they were awarded (Title 45, CFR, Part 96, Section 96.30).
7. Expenditures must be reported in accordance with the Negotiated Net Amount (NNA) and Drug Medi-Cal budget and cost report process. Counties must report details on proposed expenditure of SAPT funds in the NNA contract amendments which are due November 21, 2001 (60 days after the ADP Budget Act Allocation Letter). SAPT funds must be used to supplement, rather than supplant, funding for existing substance abuse programs.
8. Funds spent by the county or its contractors are subject to audit as provided by Sections 9540 and 9545, Title 9, CCR; and Office of Management and Budget Circular A-133 relating to Audits of States, Local Governments, and Non-Profit Organizations.

D. Reporting and Record Keeping

1. The county must comply with ADP's reporting and data collection requirements, including planned and actual expenditures pursuant to HSC Division 10.9 (commencing with Section 11999.20) for drug testing and other authorized purposes, projected and actual number of clients served, projected and actual number of tests to be administered, and outcomes of drug testing.
2. Records supporting expenditures must be retained for a period of five years.